



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

December 13, 2018

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 12/14/2018

VIA ECF

Honorable Lorna G. Schofield
United States District Judge
United States District Court
40 Foley Square
New York, NY 10007

Re: The New York Times Co. v. Federal Communications Commission,
18 Civ. 8607 (LGS)

Dear Judge Schofield:

This Office represents defendant Federal Communications Commission (“FCC”) in the above-referenced Freedom of Information Act case brought by plaintiffs The New York Times Company, Nicholas Confessore, and Gabriel Dance (“Plaintiffs”). I respectfully write to request an extension of the briefing schedule for the parties’ cross-motions for summary judgment, set forth in the Court’s endorsed order dated November 9, 2018 [Dkt. No. 12], including an initial deadline of December 17, 2018. The extension of time is needed due to the press of business of the undersigned, which includes two other briefing deadlines this week and next, as well as the unavailability of key FCC personnel with knowledge of Plaintiffs’ FOIA request due to the upcoming holidays. This is the FCC’s first request for an extension of the briefing schedule in this case. Plaintiffs’ counsel consents to this request. The parties propose that the briefing schedule be amended as follows:

- FCC’s motion for summary judgment: January 4, 2019
- Plaintiffs’ opposition and cross-motion for summary judgment: February 5, 2019
- FCC’s opposition to Plaintiffs’ cross-motion and its reply in further support of its summary judgment motion: March 5, 2019
- Plaintiffs’ reply in further support of their Cross-Motion: March 12, 2019

We thank the Court for its consideration of this request.

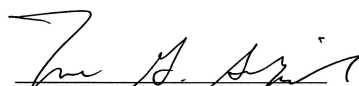
Application GRANTED. The deadline for the Government to file its summary judgment motion is extended from December 17, 2018, to January 4, 2019. Plaintiffs shall file their opposition and cross-motion for summary judgment by February 5, 2019. The Government shall file its opposition to Plaintiffs’ cross-motion for summary judgment and its reply in further support of its summary judgment motion by March 5, 2019. Plaintiffs shall file their reply in further support of their cross-motion for summary judgment by March 12, 2019.

Respectfully submitted,

GEOFFREY S. BERMAN
United States Attorney

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Dated: December 14, 2018
New York, New York


LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE